GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department- Andhra Pradesh State Waqf Board – Smt. Parveen Taj, appointed as member of Andhra Pradesh State Waqf Board under Section 14(1)(d) of Waqf Act, 1995 against provisions - Show Cause Notice issued- Removal – Orders – Issued.

MINORITIES WELFARE (IDM) DEPARTMENT

G.O.Ms.No.15 **Dated:04/12/2020**

Read the following:

1. G.O.Ms.No.10, Minorities Welfare (IDM) Department, Dt: 13-03-2018.
2. W.P.No.27878/2018 filed by Md. Ataullah Khan R/o Nandyal, Kurnool Dist.
3. Govt.Memo.No.MNW01-MMSOSWB/2/2020-IDM, Dt:03-03-2020
4. Lr.No.01/Board/APSWB/2018, Dt: 03-03-2020 from CEO, A.P.S.W.B., Vijayawada
5. Govt. Memo No.MNW01-MMSOSWB/2/2020-IDM, Dt:09-03-2020 along with letter dated: 09-03-2020 addressed to Smt. Parveen Taj, Member ANDHRA PRADESHS.W.B.
6. Lr.No.01/Board/APSWB/2018 Dt:12-05-2020 from CEO, A.P.S.W.B, Vijayawada.
7. Govt.Memo.No.MNW01-MMS0SWB/2/2020-IDM, dt:09.10.2020-Show Cause Notice to Smt. Parveen Taj, Member, Member, A.P.S.W.B.
8. Explanation received from Smt. Parveen Taj, Member, A..PS.W.B, Lr., dt:20.10.2020
9. Govt.Memo.No. MNW01-MMS0SWB/2/2020-IDM, dt:07.11.2020.
10. From the Chief Executive Officer, A.P.S.W.B, Vijayawada, Lr.F.No.01/Board/APSWB/2018, dt:16.11.2020

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O R D E R

The Government have constituted the Waqf Board vide G.O. 1st read above, wherein Smt.Parveen Taj was appointed as Sunni Woman Member of the Board under Section 14(1)(d) of the Waqf Act, 1995.

2. In the reference 2nd read above, one Sri. Ataullah Khan, R/o Nandayal, Kurnool District has filed a W.P.No.27878/2018 on the file of Hon'ble High Court of Andhra Pradesh against the Government, Andhra Pradesh State Waqf Board and Smt.Parveen Taj with a prayer to declare the proceedings of the Government issued in GO.Ms.No.10, Minorities Welfare (IDM) Department, dated: 13-03-2018 in nominating Smt.Parveen Taj as member U/s 14(1)(d) of the Waqf Act, 1995 illegal, arbitratory, on the ground that she doesn't satisfy the criteria enumerated in the said section and consequently to set aside her appointment. In para no. 3 of the Writ affidavit he had averred that the identity card issued by the Election Commission of India shows her name as Girija Sri @ Parveen Taj and the name of the father is mentioned as Mr. B.Reddeppa. Further, he had averred that she doesn't belong to the Muslim Community and she has not fulfilled the eligibility criteria prescribed U/s 14(1)(d) of the Waqf Act, 1995. Further, he had stated that she earlier contested for the post of ZPTC, B.Kottakota as a BC candidate.

3. The eligibility criteria in Sec.14(1) (d) of the Waqf Act is laid down which reads as "One person each from amongst Muslims, to be nominated by the State Government from the recognised scholars in Shia and Sunni Islamic theology". As per the averments in the W.P.No.27878/2018, she doesn't satisfy the eligibility criteria enumerated U/s 14(1) (d) of the Waqf Act, 1995 and there is no material before the Government to conclude that she is a recognised scholar in Islamic theology. Under these circumstances, the Government has requested the Chief Executive Officer, Andhra Pradesh State Waqf Board to furnish the credentials of the above Member who is nominated as Women Member of Andhra Pradesh State Waqf Board U/s 14(1)(d) of the Waqf Act, 1995 vide reference 3rd read above. The Chief Executive Officer, Andhra Pradesh State Waqf Board in the reference 4th read above has reported that, on the verification, the credentials of

Smt.Parveen Taj were not available in Waqf Board Office. The Government in the reference 5th read above, has requested Smt.Parveen Taj, member of Waqf Board to furnish her credentials to the Government for reference and necessary action within (10) days of receipt of the said letter. Smt.Parveen Taj, Member of the Waqf Board not submitted her reply. The Government has verified and found that material available with the Government does not satisfy the requirement U/s Sec-14(1)(d)of the Waqf Act, 1995 for appointment her as Member of the Waqf Board. However, it is felt that an opportunity to show cause should be provided to her.

4. In the reference 7th read above, a Show Cause Notice was issued to Smt. Parveen Taj, Member, Andhra Pradesh State Waqf Board as to why her appointment as member of Andhra Pradesh State Waqf Board shall not be withdrawn with immediate effect, as she is not satisfied the requirement u/s.14(1)(d) of the Waqf Act, 1995. In reference 8th read above, Smt. Parveen Taj, Member, Andhra Pradesh State Waqf Board while submitting her explanation has requested the Government to drop further action against her.

5. On examination of the said explanation, it is noticed that Smt. Parveen Taj, Member has applied for the post suppressing the facts about her eligibility criteria, which are contrary to the Act. The State Government is empowered under the Act to take necessary action against the person who are guilty and fraud or misrepresentation. It was settled law that administrative action based on sound criterions cannot be questioned before the Court of law (AIR 1978 SC 279) and AIR 2000 SC 2272. The explanation is devoid of merit and her continuance as member is legally invalid and against the status as explained supra. Hence, the explanation is held to be not satisfactory.

6. The Government have examined the matter keeping in view of Section 20 (1) of Waqf Act, 1995 and hereby removed Smt. Parveen Taj, as Member of Andhra Pradesh State Waqf Board, Vijayawada, with immediate effect.

7. Accordingly, the following notification shall be published in the Extra-Ordinary issue of Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred under Section 20(1) of Waqf Act, 1995, Government hereby removed Smt. Parveen Taj, as Member of Andhra Pradesh State Waqf Board, Vijayawada with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MOHD ILIYAS RIZVI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase Department,
Mutyalampadu, Vijayawada, Krishna District
(with a request to supply 25 copies of Gazettee to Government)
The Chief Executive Officer, Andhra Pradesh State Waqf Board, Vijayawada
Smt. Parveen Taj, Member, Andhra Pradesh State Waqf Board, Vijayawada,
(through the Chief Executive Officer, A.P.State Waqf Board, Vijayawada)
Copy to:
The Secretary to Governor, Raj Bhavan, Vijayawada,
The Secretary, AP State Legislature, Legislature Secretariat, Velagapudi,
The Law Department,
The Advocate General, AP High Court, Nelapadu, Guntur,
All the Departments of the Secretariat,
All the District Collectors,

The Accountant General, Vijayawada,
The Pay & Accounts Officer, AP, Ibrahimpatnam, Vijayawada
The Registrar, AP High Court, Nelapadu, Guntur district,
The Commissioner, I&PR, AP, Vijayawada (with a request to publish in all popular daily News Papers),
The Special Commissioner, Minorities Welfare, AP. Tadepalli, Guntur,
The Secretary to Government of India, Ministry of Minorities Affairs, New Delhi.
The Secretary to Chief Minister, Andhra Pradesh,
PS to the Deputy Chief Minister (M.W), AP Secretariat, Velagapudi.
PS to Principal Secretary to Government, Minorities Welfare Department, A.P. Secretariat, Velagapudi.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER